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09/514,997	02/25/2000	Axel Schultze	4705US	7703

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[REDACTED] EXAMINER

BACHNER, REBECCA M

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3623

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/514,997	SCHULTZE, AXEL
	Examiner Rebecca M Bachner	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 April 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1 and 7-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 7-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

***Detail of Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 4, 2003 has been entered. Claims 1 and 7-44 are pending.

***Claim Objections - 35 USC § 112***

2. Claim 10 is indefinite and unclear as to whether there needs to be one service and one product, or if there just needs to be one of a service or product. Therefore, the examiner is interpreting claim 10 to read as needing only one of a service or product.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 7-10, 15-17, 25, 27-29, 31-32, and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (U.S. P.N. 6,078,892).

(Amended) As per claim 1, Anderson et al. disclose a method for providing leads to a sales agent from a lead database, the method comprising the steps of:

Receiving a lead request from a sales agent (see column 2, lines 60-64, a lead request is received from a sales agent);

Providing a lead from the lead database to the sales agent in response to the lead request, (see column 2, lines 60-64, lead requests are provided to the sales agent in response to the lead request);

The sales agent for contacting the lead to determine interest in at least one of a product and a service (see column 3, lines 8-40, the sales agent finds and contacts leads that would be interested in at least one of a product or service offered by the sales agent); and

Receiving a lead selection from the sales agent, the lead selection indicating that the sales agent elects to contact the lead (see column 8, lines 64-67, through column 9, lines 1-5, by downloading the customer contact information after a lead selection, the sales agent inherently elects to contact the lead).

As per claim 7, Anderson et al. discloses the method of claim 1, wherein the lead request includes a lead selection parameter (see column 2, lines 37-41, the lead request includes a lead selection parameter to sort the records in the database).

As per claim 8, Anderson et al. discloses the method of claim 1, wherein the lead includes at least one contact information and product information (see column 2, lines 42-46, the lead includes product information, and see column 8, lines 64-67, through column 9, lines 1-5, the customer contact information can be downloaded).

As per claim 9, Anderson et al. discloses the method of claim 1 wherein the sales agent comprises one of a reseller, salesperson, and service provider (see column 5, lines 20-35, the sales agent could be a service provider).

As per claim 10, Anderson et al. discloses the method of claim 1 wherein the lead request comprises at least one of a service request and a product request (see column 2, lines 42-46, lead request comprises at least one of a product request).

As per claim 15, Anderson et al. discloses the method of claim 1 wherein the step of providing further comprises:

Determining whether the lead request is authorized for the sales agent (see column 3, lines 22-40, the contact information for the lead request is only given if the sales agent is authorized).

As per claim 16, Anderson et al. discloses the method of claim 1 further comprises:

Receiving, from the sales agent, a lead selection parameter (see column 2, lines 1-41, a lead selection parameter is received from the sales agent);

Searching the lead for the lead selection parameter to generate a search result (see column 2, lines 37-41, a search result is generated using the lead selection parameter); and

Providing the search result to the sales agent (see column 2, lines 60-64, the search result is provided to the agent).

As per claim 17, Anderson et al. discloses the method of claim 16 wherein the lead selection parameter comprises one of geographical location and product (see column 7, lines 27-52, the geographic location stored with the customer information can be used in the search query).

(Amended) As per claim 25, Anderson et al. discloses a method of requesting a lead by a sales agent, the method comprising the steps of:

Sending a lead request to a lead database (see column 2, lines 37-46, a lead request is sent to the database);

Receiving a lead from the lead database (see column 2, lines 37-46, lead requests are received from the database); and

Sending a lead selection to the lead database the lead selection indicating that the sales agent has selected the lead, the sales agent for contracting the lead to determine interest in at least one of a product and a service (see column 2, lines 37-46, and 60-64, the lead selection is sent to the agent).

As per claim 27, Anderson et al. discloses the method of claim 25, further comprising:

Sending a lead selection parameter to the lead database for querying a subset of leads (see column 2, lines 37-41, the lead request includes a lead selection parameter that queries a subset of leads).

As per claim 28, Anderson et al. discloses the method of claim 25, further comprising:

Processing the selected lead to determine a result for the selected lead (see column 2, lines 42-46, a result is determined for a selected lead).

As per claim 29, Anderson et al. discloses the method of claim 25, wherein the result comprises one of sale, not interest, evaluation, and project (see column 3, lines 8-59, the sales agent chooses to contact a customer to make a sale).

(Amended) As per claim 31, Anderson et al. discloses a system for distributing leads from a lead database, the system comprising:

A lead unit configured to receive a lead request from a sales agent (see column 2, lines 60-64, a lead request is received from a sales agent);

A lead control unit communicatively coupled to the lead unit and configured to provide a lead from the lead database to the sales agent in response to the lead request, sales agent for contacting the lead to determine interest in at least one of a product and a service; (see column 2, lines 60-64, lead requests are provided to the sales agent in response to the lead request, and column 3, lines 8-40, the sales agent finds and contacts leads that would be interested in at least one of a product or service offered by the sales agent); and

An administrative unit communicatively coupled to the lead control unit and configured to receive a lead selection from the sales agent, the lead selection indicating that the sales agent elects to contact the lead (see column 8, lines 64-67, through column 9, lines 1-5, by downloading the customer contact information after a lead selection, the sales agent inherently elects to contact the lead).

As per claim 32, Anderson et al. discloses the system of claim 31, wherein the administrative unit is further configured to receive, from the sales agent, a lead selection parameter, wherein the lead control unit is further configured to search the lead for the lead selection parameter to generate a search result and to provide the search result to the sales agent (see column 2, lines 37-64, a lead section parameter is chosen by the sales agent, a search result is generated, and the result is provided to the agent).

As per claim 37, Anderson et al. discloses the system of claim 31, further comprising:

A lead status unit configured to receive, from a sales agent, a message comprising a result for the lead and to store the result in the lead database (see column 2, lines 42-64, the lead status unit receives a message that shows the results of a lead and can be stored in the database).

As per claim 38, Anderson et al. discloses the system of claim 37, wherein the result comprises one of sale, no interest, evaluation, and project (see column 3, lines 8-59, the sales agent chooses to contact a customer to make a sale).

(Amended) As per claim 39, Anderson et al. discloses a computer readable medium comprising:

Program instructions for receiving a lead request from a sales agent (see column 2, lines 60-64, a lead request is received from a sales agent);

Program instructions for providing a lead from the lead database to the sales agent in response to the lead request, the sales agent for contacting the lead to determine interest in at least one of a product and a service (see column 2, lines 60-64, lead requests are provided to the sales agent in response to the lead request, and see column 3, lines 8-40, the sales agent finds and contacts leads that would be interested in at least one of a product or service offered by the sales agent); and

Program instructions for receiving a lead selection from the sales agent, the lead selection indicating that the sales agent elects to contact the lead (see column 8, lines 64-67, through column 9, lines 1-5, by downloading the customer contact information after a lead selection, the sales agent inherently elects to contact the lead).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-14, 22-23, 26, 30, 33, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. P.N. 6,078,892).

As per claim 11, Anderson et al. discloses the method of claim 1. Anderson et al. does not explicitly disclose sending a first confirmation message to the sales agent, and sending a second confirmation message to the lead. However, it is old and well known to send a notice of receipt. Therefore, it would have been obvious for one of ordinary skill in the art to have sent confirmation message as it reassures and proves to a user that the message was sent and received.

As per claim 12, Anderson et al. discloses the method of claim 11 wherein the system is on a network (see column 4, lines 30-33, and column 8, lines 26-33). Anderson et al. does not explicitly disclose wherein the first and second confirmation messages are sent via a wide area network. However, it is old and well known in the art to disclose confirmation messages sent over a network. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have sent confirmation messages to the agent and the lead as it is common practice to send a notice of receipt over a wide area network and would serve as a proves to the agent and lead that the message was sent and received.

As per claim 13, Anderson et al. discloses the method of claim 12 wherein the system on a network (see column 4, lines 30-33, and column 8, lines 26-33). Anderson et al. does not explicitly disclose wherein said wide area network is an Internet. However, the Internet is an old and well known type of network. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have messages sent over the Internet.

As per claim 14, Anderson et al. discloses the method of claim 1 and sending leads to sales agents (see column 6, lines 56-60, and column 9, lines 9-12). Anderson et al. does not explicitly disclose sending a confirmation message to an administrator. However, it is old and well known in the art to send confirmation messages to the agent

and the lead as it is common practice to send a notice of receipt to an administrator. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send a confirmation message to an administrator as it reassures and proves to a user that the message was properly sent and received.

As per claim 22, Anderson et al. discloses the method of claim 1. Anderson discloses using historical data collected through past marketing campaigns (see column 7, lines 9-23). Anderson does not explicitly disclose receiving, from the sales agent, a message comprising a result for the lead and storing the result in the lead database. However, it is old and well known in the art to disclose storing the result of a lead in a database. Therefore, it would have been obvious to one of ordinary skill in that art to receive, from the sales agent, a message comprising a result for the lead and store the result in the lead database as past contacted leads are stored in a database. One would be motivated to have Anderson store all agent's past lead data as it allows one to have an accurate view of the customer.

As per claim 23, Anderson discloses the method of claim 22 and identifying the result of the lead (see column 2, lines 60-64). Anderson et al. does not explicitly disclose parsing the message to identify the result. However, parsing the message is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to have parsed the message to identify the result as it allows the system to have a precise description of the result of the lead.

As per claim 26, Anderson et al. discloses the method of claim 25. Anderson teaches wherein the lead request comprises a product request (see column 2, lines 42-46). Anderson does not explicitly teach wherein the lead request comprises a service request. However, it is old and well known to market services as well as products. Therefore, it would have been obvious to one of ordinary skill in the art to teach wherein the lead request comprises a service request as one would want to use the method taught, in claim 25, to assist an agent in deciding in marketing service requests.

As per claim 30, Anderson et al. discloses the method of claim 25, wherein the step of processing the selected lead further comprises identifying the result for the selected lead (see column 2, lines 37-64, the lead is identified). Anderson et al. also discloses using historical data collected through past marketing campaigns (see column 7, lines 9-23). Anderson et al. does not explicitly disclose sending the result to the lead database for storage of the result. However, it is old and well known in the art to store lead information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to discloses sending the lead results to the database as it allows a sales agent to access the data retrieved to be saved and stored so that it may be used at a later time.

As per claim 33, Anderson et al. discloses the system of claim 31. Anderson et al. discloses that the contact information for the lead request is only given if the sales

agent is authorized (see column 3, lines 22-40). However, Anderson et al. does not explicitly disclose a reseller control unit communicatively coupled to the lead unit and configured to determine whether the lead request is authorized for the sales agent. However, it is old and well known in the art to have a reseller control unit to be coupled to a lead unit to determine authorization. Furthermore, Anderson et al. uses authorization and must receive it from a computerized source. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to have a reseller control unit communicatively coupled to the lead unit to determine authorization as it is an accurate way to decide if the lead request is authorized.

As per claim 43, Anderson et al. discloses the computer readable medium of claim 39, further comprising program instructions for receiving from the sales agent, a message comprising a result for the lead (see column 2, lines 47-64, the result of the lead query from the database is sent to the sales agent). Anderson et al. does not explicitly disclose program instructions for storing the result in the lead database. However, it is old and well known in the art to store information in a database. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose storing the result in the lead database as it allows the sales agent to easily access the results for a later time.

As per claim 44, Anderson et al. discloses the computer readable medium of claim 43 and sending leads to sales agents (see column 2, lines 37-64). Anderson et al.

does not explicitly disclose program instructions for sending at least one of a result confirmation to the sales agent and a result notification to the lead. However, it is old and well known in the art to send a notice of receipt using an administrative unit. Therefore, it would have been obvious for one of ordinary skill in the art to have sent confirmation messages to the agent and the lead as it reassures and proves to a user that the message was properly sent and received.

7. Claims 18-21, 24, 34-36, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. P.N. 6,078,892) in further view of Melchione et al. (U.S. P.N. 5,930,764).

As per claim 18, Anderson et al. discloses the method of claim 1. However, Anderson et al. does not explicitly disclose removing the lead from the database to prevent the lead from being provided to a second sales agent. However, Melchione teaches removing the lead from the database to prevent the lead from being provided to a second sales agent (see column 40, lines 35-44, the lead from the database is given to an agent and is therefore prevented from being given to a second agent). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose removing a lead from the database to prevent the lead from being

provided to a second sales agent as it ensures that only one sales agent at a time can contact the same lead.

As per claim 19, Anderson et al. discloses the method of claim 1. Anderson does not explicitly disclose moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent. However, Melchione does disclose moving the lead from an active set of the lead database to a selected set of the lead database wherein leads in the selected set cannot be provided to a second sales agent (see column 9, lines 46-52, and column 40, lines 35-44, the lead from the database is given to an agent and the manager can reassign the lead to a different agent). Neither Anderson et al. nor Melchione et al. explicitly disclose moving the lead in a predetermined time period. However, it is old and well known for a manager to reassign tasks within a group after a certain period of time. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have moved the lead from one agent to another after a predetermined time as the manager does not want the lead to get cold.

As per claim 20, Anderson et al. discloses the method of claim 19. Anderson does not explicitly disclose replacing the lead into the active set of the lead database to make available for a second lead request after the predetermined time period has expired. However, Melchione discloses replacing the lead into the active set of the lead

database to make available for a second lead request (see column 9, lines 46-52, and column 40, lines 35-44, the lead from the database is given to an agent and the manager can reassign the lead to a different agent). Neither Anderson et al. nor Melchione et al. explicitly disclose replacing the lead after the predetermined time period has expired. However, it is old and well known for a manager to reassign tasks within a group after a certain period of time. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have moved the lead from one agent to another after a predetermined time as the manager does not want the lead to get cold.

As per claim 21, Anderson et al. discloses the method of claim 20. Anderson et al. does not disclose the second lead request is issued by a second sales agent. However, Melichone et al. discloses wherein the second lead request is issued by a second sales agent (see column 40, lines 35-44, the lead request can be issued to another agent). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose the second lead request is issued by a second sales agent as it ensures that sales agents will not over-contact the leads.

As per claim 24, Anderson et al. discloses the method of claim 22 and sending leads to sales agents (see column 2, lines 37-64). Melchione discloses sending confirmation messages when an appointment is made (see column 52, lines 61-63). Neither Anderson et al. nor Melchione et al. do not explicitly disclose sending at least

one of a result confirmation to the sales agent and a result notification to the lead. However, it is old and well known in the art to send a notice of receipt using an administrative unit. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have sent confirmation messages to the agent and the lead as it reassures and proves to a user that the message was properly sent and received.

As per claim 34, Anderson et al. discloses the system of claim 31 and sending leads to sales agents (see column 2, lines 37-64). However, Melchione discloses sending confirmation messages when an appointment is made (see column 52, lines 61-63). Neither Anderson et al. nor Melchione et al. explicitly disclose an administrative control unit communicatively coupled to the administrative unit and configured to send a first confirmation message to the sales agent and send a second confirmation message to the lead. However, it is old and well known in the art to send a notice of receipt using an administrative unit. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have sent confirmation messages to the agent and lead as it reassures and proves to a user that the message was properly sent and received.

As per claim 35, Anderson et al. discloses the system of claim 31. Melchione et al. discloses moving the lead from an active set of the lead database to a selected set of the lead database (see column 40, lines 35-44, the lead from the database is given to

an agent and the database status says "in progress"). However, neither Anderson et al. nor Melchione et al. explicitly disclose a timing unit and moving the lead at a predetermined time. However, it is old and well known for a manager to have a timing unit and moving the lead at a predetermined time to reassign tasks within a group. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have a timing unit and have the manager move the lead from one agent to another after a predetermined time as the manager does not want the lead to get cold.

As per claim 36, Anderson al. discloses the system of claim 35. However, Melchione et al. discloses the timing unit is further configured to replace the lead into the active set of the lead database to make the lead available for a second lead request (see column 9, lines 46-52, and column 40, lines 35-44, the lead from the database is given to an agent and the manager can reassign the lead to a different agent). Neither Anderson et al. nor Melchione et al. disclose replacing the lead after the predetermined time period has expired. However, it is old and well known for a manager to reassign tasks within a group after a certain period of time. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have moved the lead from one agent to another after a predetermined time as the manager does not want the lead to get cold.

As per claim 40, Anderson et al. discloses the computer readable medium of claim 39. Anderson et al. does not explicitly disclose program instructions for removing the lead from the lead database to prevent the lead from being provided to a second sales agent. However, Melchione et al. discloses that the lead from the database is given to one agent and therefore is prevented from being given to a different agent (see column 40, lines 35-44). Therefore, it would have been obvious to one of ordinary skill in the art to teach removing the lead from the lead database to prevent the lead from being provided to a second sales agent as it ensures that a lead is not over-contacted by the sales agent.

As per claim 41, Anderson et al. discloses the computer readable medium of claim 39. Anderson et al. does not teach program instructions for moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent. However, Melchione et al. discloses the lead from the database is given to an agent and the database status says "in progress" (see column 40, lines 35-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose moving a lead for a period of time so it cannot be displayed to another agent as it ensures that a lead is not over-contacted by a sales agent.

As per claim 42, Anderson et al. discloses the computer readable medium of claim 41. Anderson et al. does not explicitly disclose program instructions for replacing

the lead into the active set of the lead database to make the lead available for a second lead request after the predetermined time period has expired. Melchione et al. discloses program instructions for replacing the lead into the active set of the lead database to make the lead available for a second lead request (see column 9, lines 46-52, and column 40, lines 35-44, the lead from the database is given to an agent and the manager can reassign the lead to a different agent). Neither Anderson et al. nor Melchione et al. disclose replacing the lead after the predetermined time period has expired. However, it is old and well known for a manager to reassign tasks within a group after a certain period of time. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have moved the lead from one agent to another after a predetermined time as the manager does not want the lead to get cold.

***Responses to Arguments***

8. The Applicant is correct that the Examiner would have to provide references to support the use of Official Notice, but only if the Applicant makes a "seasonable challenge" regarding this use of Official Notice (MPEP 2144.03). Furthermore, a "challenge to judicial notice by Board must contain adequate information or argument so that on its face it creates reasonable doubt regarding circumstances justifying judicial notice" (In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971)).

The Applicant merely disagreed with the use of the Official Notice and asked the examiner to cite a reference. The Applicant did not state which claims were being challenged nor did the Applicant argue why the Official Notice was improper. Therefore, the Applicant's challenge to the Examiner's use of Official Notice has not sufficiently created the reasonable doubt necessary to switch the burden back to the Examiner in regards to producing references to support the Official Notice.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 305-7687** Official communications; including After Final communications labeled "Box AF"

**(703) 746-7306** Informal/Draft communications, labeled "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RMB  
RMB  
June 2, 2003

  
**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**